

Issue Paper Number 00-007



- ☐ Board Meeting
- ☐ Business Taxes Committee
- ☐ Customer Services and Administrative Efficiency Committee
- ☐ Legislative Committee
- ☒ Property Tax Committee
- ☐ Other

RESIDENTIAL PROPERTY ASSESSMENT APPEALS PUBLICATION 30

I. Issue

Should the Board approve amendments to Publication 30, *Residential Property Assessment Appeals*, regarding the local assessment appeals procedures and process, and provide copies to local county boards of equalization and assessment appeals boards for dissemination to taxpayers?

II. Staff Recommendation

Staff recommends that the attached draft Publication 30, *Residential Property Assessment Appeals*, be approved, released for publication, and distributed to local county boards of equalization and assessment appeals boards.

III. Other Alternative(s) Considered

1. Not approve the attached amendments to Publication 30, *Residential Property Assessment Appeals*, and remove Publication 30 from the Board's approved publications list.

IV. Background

Under Government Code section 15606 and Revenue and Taxation Code section 1603, the Board is charged with the duty of prescribing and enforcing the use of forms used for the application for reduction in assessment of property. As an adjunct to the *Application for Changed Assessment* form adopted by the Board pursuant to section 1603, Publication 30, *Residential Property Assessment Appeals*, was developed in April 1998 and distributed to local county boards of equalization and assessment appeals boards for dissemination to taxpayers. In addition, staff of the Board's Property Taxes Department, Legal Division, and Taxpayers' Rights Advocate Office have provided numerous copies of the pamphlet to taxpayers.

This publication is an informational pamphlet encompassing the procedures governing local assessment appeals hearings. The primary audience for this pamphlet is owners of single-family residences who intend to challenge the assessed value of their properties before local county boards of equalization or assessment appeals boards. The focus of the pamphlet is to inform taxpayers, in easy-to-understand language, of their rights to request a hearing and of their responsibilities during the assessment appeals hearing process. The pamphlet presents answers to commonly asked questions regarding residential appeals hearings, gives a brief overview of the appraisal process for residential properties, provides additional sources of information relative to the appeals process, and describes how to complete the *Application for Changed Assessment* form.

Staff sought input from the California Association of Clerks and Election Officials, the California Assessors' Association, and the County Counsels' Association of California. Over 30,000 copies of the pamphlet were printed and distributed to the 58 county boards of equalization and assessment appeals boards. A recent survey of counties indicates that if the updated pamphlet is available, 56 of the 58 counties will continue to distribute the pamphlet to taxpayers who file an application for reduction of value for residential properties.

In addition, the pamphlet was available to taxpayers on the Board's Web site and through the Board's Information Center. The feedback from the counties and users of the pamphlet has been positive.

V. Staff Recommendation

A. Description of the Staff Recommendation

Staff recommends that the Board approve the amendments to Publication 30, *Residential Property Assessment Appeals*, as contained in the attached document. The proposed changes to the pamphlet are the result of recent amendments to the Local Equalization Rules, Property Tax Rules 301 through 326. Noteworthy additions to the pamphlet include discussions regarding:

- The taxpayer's right to amend an *Application for Changed Assessment (Application)* form after it has been filed with the county clerk of the board;
- The taxpayer's ability to attach an agent authorization certification to the *Application* in lieu of designating an agent on the face of the *Application*; and
- The taxpayer's option of designating the *Application* as a claim for refund of taxes already paid.

B. Pros of the Staff Recommendation

The attached pamphlet will provide single-family residential taxpayers an easily understood reference document that reflects the most current regulatory action by the Board. This pamphlet should assist many taxpayers with the often-confusing appeals hearing process.

C. Cons of the Staff Recommendation

The Board will incur the cost of publishing and distributing the pamphlets to counties and taxpayers. In addition, some staff time will be needed in the future to revise and distribute the pamphlet.

D. Statutory or Regulatory Change

Not applicable.

E. Administrative Impact

This pamphlet would continue to be part of the Board's approved publications list, and storage space would be needed at the Board's West Sacramento Publication Distribution Center. Staff workload would be impacted minimally to mail requested pamphlets to taxpayers.

F. Fiscal Impact

1. Cost Impact

The total projected cost of printing and distributing pamphlets to counties is \$5,388. In addition, an estimated one-half hour per month would be necessary for staff to mail requested pamphlets to taxpayers.

The cost would include printing and distribution of pamphlets to county boards of equalization and assessment appeals boards initially. The staff anticipates that 20,000 pamphlets would be needed for distribution to the counties and for a two-year shelf stock at the Board.

The cost of printing the pamphlets is estimated initially at \$4,000. The cost of distributing the pamphlets to the county boards of equalization and assessment appeals boards is estimated at \$1,388.

2. Revenue Impact

Not applicable.

G. Taxpayer/Customer Impact

This pamphlet should continue to provide a valuable service to both taxpayers and to those counties who elect to distribute it to appeals applicants. Providing useful information to taxpayers should help to streamline the appeals process and help to make taxpayers aware of their right to appeal their property values.

H. Critical Time Frames

The application period for appealing property values varies depending on the type of assessment being appealed. However, the majority of applications are filed during the regular assessment appeals period between July 2 and September 15 annually. It would be most beneficial to taxpayers if the pamphlets were available prior to the commencement of the filing period on July 2, 2000.

VI. Alternative 1

A. Description of the Alternative

The Board could decide not to approve the attached Publication 30, *Residential Property Assessment Appeals*, and remove Publication 30 from the Board's approved publications list.

B. Pros of the Alternative

If the Board decides not to publish a pamphlet on the assessment appeals process, the Board would not expend any additional money on the project.

C. Cons of the Alternative

If no pamphlet is made available to taxpayers, some taxpayers would be uninformed of their right to appeal their property values and the procedures and process of a local assessment appeals hearing.

D. Statutory or Regulatory Change

Not applicable.

E. Administrative Impact

None

F. Fiscal Impact

1. Cost Impact

None

2. Revenue Impact

Not applicable.

G. Taxpayer/Customer Impact

Many taxpayers would not have a readily available source to become aware of their right to appeal their property values and the process and procedures of a local assessment appeals hearing. Most single-family residential taxpayers are not aware that the Board of Equalization is available to provide information to them when they have questions regarding property tax issues and local assessment appeals hearings.

H. Critical Time Frames

Not applicable.

Prepared by: Property Taxes Department; Policy, Planning, and Standards Division

Current as of: February 24, 2000



Residential Property Assessment Appeals

How to appeal the assessed
value of residential properties
— a guide for California
property owners



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EQUALIZATION**

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Publication 30 • LDA
March 2000

Your Taxpayers' Rights Advocate

The California State Board of Equalization wants to make the property tax system as equitable as possible. Consequently, we have appointed a Taxpayers' Rights Advocate to help you with problems you cannot resolve at other levels. You can contact them at the following address:

Taxpayers' Rights Advocate Office
State Board of Equalization
450 N Street, MIC:70
P.O. Box 942879
Sacramento, CA 94279-0070

Telephone: (916) 324-2798
Toll Free: (888) 324-2798
Fax: (916) 323-3319

Contents

	Page
1. Introduction	1
2. Before You File an Appeal	1
Talk to Your County Assessor First	
The Role of Your Local Appeals Board	
Other Considerations Before You File	
3. Common Types of Appeals and Their Filing Deadlines	3
Decline in Value Appeals	
Base Year Value Appeals	
(Change in Ownership and Completion of New Construction)	
Calamity Reassessment Appeals	
Roll Changes or Escape Assessment Appeals	
4. Completing Your Application for Changed Assessment	5
Obtain the Correct Application	
Instructions	
5. Preparing for Your Hearing	8
Admissible Evidence	
Evidence to Support Your Opinion of Your Property's Value	
Exchange of Information	
6. Your Assessment Appeal Hearing	13
Notice of Hearing	
Attending the Hearing	
Burden of Proof	
Reaching a Decision	
Filing a Claim for Refund	
Further Appeal Rights	
7. Glossary of Terms Used in This Publication	15
8. For More Information	16

Note: The statements in this pamphlet are general and are current as of the date on the cover. The Revenue and Taxation Code, Property Tax Rules, and the rules and procedures of your local assessment appeals board or county board of equalization are complex and subject to change. If there is a conflict between the law and this pamphlet, any decisions will be based on the law and not on this publication. For information on how to obtain a copy of the rules that apply to appeals and equalization, please see Chapter 8.

1. Introduction

The property taxes you pay are based on your property's assessed value, as determined by your county assessor. If you disagree with the assessor's value, you can usually appeal that value to your local assessment appeals board or county board of equalization.

This pamphlet describes what you should do before you appeal, the role of your local appeals board, and the steps required to file and present a residential assessment appeal. Only the most common types of appeals are described (see Chapter 3). If you have questions that are not answered here, you should contact your county assessor or local appeals board.

The information in this pamphlet has been prepared by the State Board of Equalization, which oversees the administration of California's property tax system.

2. Before You File An Appeal

Talk to Your County Assessor First

You may not need to file a formal appeal if you talk with staff from your local county assessor's office first. They can

- Explain your property's assessed value
- Answer any questions you may have about the assessment
- Review any additional, pertinent information you may provide

If the assessor's staff discovers an error, they may be able to reduce your property's assessed value to correct that error, and you may not need to file an appeal.

If, however, you and the county assessor cannot reach an agreement, you can usually appeal your assessment to the assessment appeals board or the board of equalization in the county where your property is located. If you do appeal, you must file an *Application for Changed Assessment*, and your application must be filed on a timely basis (see Chapter 3).

The Role of Your Local Appeals Board

Local appeals boards are independent agencies, separate from the assessor's office, established to decide disputes between county assessors and property owners like you. All 58 counties in California have assessment appeals proceedings. In some counties, the elected county board of supervisors will hear appeals directly, meeting as a board of equalization. Other counties, however, have separate assessment appeals boards appointed by the board of supervisors to fulfill this duty. In addition, several counties have hearing officers (see page 13).

Appeals boards, with proper evidence, can

- Lower or raise a property's assessed value
- Remove a penalty assessment imposed by the assessor
- Reverse a change in ownership or new construction reassessment

Appeals boards cannot

- Reduce your property's assessed value simply because you are paying more taxes than your neighbor
- Remove penalties and interest for late payment of property taxes
- Reduce your taxes due to your inability to pay
- Fix the tax rate, levy taxes, or change tax rates
- Grant or deny exemptions
- Extend filing periods
- Change the decision of another appeals board
- Rehear an issue already ruled upon

Other Considerations Before You File

Who can file an appeal?

An assessment appeal can be filed by the property owner or the owner's spouse, parents or children, or any person directly responsible for payment of the property taxes; this person becomes the "applicant." An application may also be filed by an authorized agent. If an application is filed by an agent — other than a California licensed attorney — written authorization, signed by the applicant, is required.

What form should I use?

To be valid, all appeals should be filed on the official *Application for Changed Assessment* form used by the county where your property is located. You should contact the clerk of the local board to obtain a form. For demonstration purposes, we have included a sample form on page 7 (do not submit the sample form to your appeals board).

What if I reach an agreement with the assessor prior to the hearing?

If you and the assessor reach an agreement regarding the value of your property, the agreement must be put in writing and signed by all parties, including the applicant or authorized agent, the county assessor, and the county legal officer. The written agreement will be submitted by the assessor to the appeals board, who can accept or reject the agreement. If the agreement is rejected, a hearing will be scheduled.

Can I withdraw my application?

In general, you are permitted to withdraw your application at any time prior to the hearing. In some counties, however, if the assessor has indicated that evidence supporting a higher value will be introduced at the hearing, you may not withdraw your application without the assessor's concurrence. (You should be aware that an appeals board can decide to review an assessment even though the assessor and applicant may have agreed to withdraw the appeal.)

You should check with your appeals board about your right to withdraw your application.

If I provide supporting documentation to my county assessor, will the assessor present that information to the appeals board?

If you provide any evidence to your county assessor, that evidence will probably not be available to the appeals board unless you also present it to the board during your hearing. The only evidence that an appeals board can consider is the evidence that you and the assessor present at your hearing. The board may not consider any

*Be sure to complete
your application
correctly and
file it on time.*

information attached to your application, nor any discussions with the assessor's office or others, unless you also present such evidence at your appeal hearing.

Can I submit one application for more than one property?

No. You must file a separate application for each parcel.

Do I have to pay my property taxes if I disagree with my property's assessed value?

Yes. You are required to pay your property taxes timely, despite any appeal you have pending. Failure to do so will expose you to financial penalties and interest charges regardless of the final outcome of your appeal. If you are granted a reduction, you will receive a refund and interest.

If I appeal for a lowered assessment, can the appeals board raise the assessed value?

Yes. Based on the evidence, an appeals board can increase, as well as decrease, an assessment.

You must pay your property taxes on time — even if you have filed an appeal.

3. Common Types of Appeals and Their Filing Deadlines

To appeal the value of your property, you must file an *Application for Changed Assessment* with your local appeals board (see page 2 for information on who can file). Instructions for completing an application are provided in the next chapter.

Applications can be accepted only within certain time periods, based on the type of appeal you are filing. The four most common types of appeals, and their filing deadlines, are discussed below. If you are filing an appeal that differs from those listed below, you should contact the clerk of your local board to discuss filing deadlines.

Decline in Value Appeals

If you believe the market value of your property has decreased and is no longer as high as its assessed value, you can file a "decline in value" appeal for the current year.

Decline in value appeals must be filed between July 2 and September 15. In some counties, applicants may be allowed to file after September 15 under limited circumstances. The extension can be approved only in those counties that have adopted an ordinance to allow property owners to file an *Informal Assessment Review* form (this is not the same as filing an appeal). Other conditions apply. Check with your county assessor for more information.

Your appeal must be based on the market value of your property as of January 1 of the year in which you are filing. For example, if you file your appeal in 2000, your appeal must be based on the market value of your property as of January 1, 2000.

Note: An application must be filed for each year you disagree with the assessor's value, even if you have a decline in value appeal pending for a prior year.

If your appeal is successful, the new assessed value will be used to determine your property taxes for the year appealed. The new assessed value of your property, however, does not automatically become the value for the following year. The assessor is required to review your property's value annually once a decline in value has been determined. He or she will compare your property's market value

with its base year value plus adjustments for inflation (“base year value” is defined on page 15). The assessor is required to assess your property at the lower of those two values.

Base Year Value Appeals

(Change in Ownership and Completion of New Construction)

Your property may have been reassessed because of

- A change in ownership (for example, you purchased a new home)
- Completion of new construction (for example, you added a bedroom)

If your property was reassessed for the above reasons, you should have received a supplemental assessment notice showing a new “base year value” for the property. The base year value is the new assessed value resulting from the change in ownership or the completion of new construction.

You can appeal to have the reassessed value changed, or you can appeal to have the reassessment reversed.

You can appeal to have the reassessed value changed, or you can appeal to have the reassessment reversed because you believe there was no change in ownership or there was no new construction that required reassessment (for definitions of “change in ownership” and “new construction,” see pages 15-16)

You have two filing deadlines. You can file your appeal

- *Within 60 days of the mailing of the supplemental assessment notice.* (Note: In some counties, you also have 60 days following the mailing of the supplemental tax bill. Check with the clerk of your local board if you are not sure.)

If your appeal is successful, you will be granted relief on both the supplemental assessment and the new assessed value.

If you missed the opportunity to appeal your supplemental assessment, you can still file an appeal at the time your property becomes a part of the regular assessment roll, as explained below. However, you may appeal only the new assessed value that appears on the regular roll (the new “base year value”) because the supplemental assessment will have become final.

- *Between July 2 and September 15 in the year your property’s value is first placed on the regular assessment roll, or within the following three years.* The regular assessment roll is a listing of assessed properties in the county. It is prepared on a fiscal year basis (July 1 through June 30) and reflects changes that occurred in the previous calendar year or earlier.

Example: You received a supplemental assessment for a home purchased in 1999. The property’s new value will become a part of the regular assessment roll for fiscal year 2000-2001. You can file your appeal between July 2 and September 15 in 2000, 2001, 2002, or 2003.

Note: It is advisable to file as early as possible. If you succeed in your appeal, the new base year value will affect only the year of your application and future years. The appeals board cannot make the reduction retroactive. Consequently, if you delay filing, you will not receive a refund for past years even if the appeals board agrees with you.

Calamity Reassessment Appeals

Has the county assessor mailed you a reassessment notice because of a natural disaster or other calamity that damaged your property? If you received a notice and disagree with the proposed value, you must file your appeal within 14 days of the mailing of the notice.

Roll Changes or Escape Assessment Appeals

In general, roll changes or escape assessments are assessments for events that happened in prior years but were not discovered timely by the assessor. For example, assume you built a swimming pool in September 1997, but the assessor did not assess the value of the pool until September 1999. If you want to appeal the value of the swimming pool assessed by the assessor, you must file your appeal within 60 days of the assessment notice.

4. Completing Your Application for Changed Assessment

Obtain the Correct Application

To be valid, all appeals must be filed on the official form for the county where your property is located. To obtain a copy, you should contact the clerk of the local board.

The following instructions are based on the sample form shown on page 7, which is provided for demonstration purposes. The layout of the form you receive may not look exactly like the sample form.

Instructions

To be valid, your application must contain all of the following information.

1. Applicant's Information

Enter your name, mailing address, and telephone number. (*Note:* At the bottom of the application, you will be asked to indicate whether you are the owner of the property or are filing in some other capacity.)

2. Agent's Information

If you have arranged for an agent to represent you, include the name, address, and telephone number of your agent. If that agent is not a California-licensed attorney, you must also complete the "Agent's Authorization" section or attach an agent's authorization to the application at the time you file. If you attach an authorization, contact the clerk of your local board to find out what information must be provided. If the attached authorization does not include the required information, it will not be accepted by the clerk.

3. Property Identification

Enter the assessor's parcel number from your tax bill and the property's address. Be sure to check the box that most accurately describes the type of property. Also indicate whether your property is an owner-occupied single-family dwelling.

Be sure to use the appeal application used in the county where your property was assessed.

4. Value

- *Column A: Value on Roll*

If you are filing a decline in value appeal, contact your county assessor to determine your property's "current roll value." Enter that value on your application.

If you are filing a calamity reassessment appeal or an appeal related to a reassessment for a change in ownership, new construction, roll change, or escape assessment, refer to the reassessment notice you received. Enter the new assessed value in the space for the "Total."

- *Column B: Applicant's Opinion of Value*

Enter the amount you believe the property is worth (the fair market value).

5. Type of Assessment Being Appealed

- *Appeals Period*

Write the roll year of your appeal. Typically, this is the fiscal year that begins on July 1 of the year in which you file your appeal. For example, assume you file your appeal in 2000. July 1, 2000, marks the beginning of fiscal year 2000-01. Consequently, you would enter "2000-01" for the roll year.

- *Type of Assessment.* Check the box that applies. Check

- ☐ *Regular Assessment* for

Decline in value appeals, or

Change in ownership and new construction appeals filed after 60 days of the mailing of the supplemental assessment notice or supplemental tax bill

- ☐ *Supplemental Assessment* for

Change in ownership and new construction appeals filed within 60 days of the mailing of the supplemental assessment notice or supplemental tax bill

- ☐ *Roll Change / Escape Assessment / Calamity Reassessment* for

Roll corrections

Escape assessments

Calamity reassessment appeals

6. The Facts (the basis of your appeal)

Mark the appropriate box(es) in this area to indicate the reason(s) for your appeal.

- *Decline in Value.* Check this box if you believe the market value of your property has decreased and is no longer as high as its assessed value. Reminder: Your appeal must be based on your property's market value as of January 1 of the year in which you are filing (see page 3).
- *Change in Ownership.* Check this box if you believe that the market value of your property based upon a change in ownership is less than the assessor's value or that no change in ownership occurred.
- *New Construction.* Check this box if you believe that the market value of your property based upon completion of new construction is less than the assessor's value or that no new construction occurred
- *Calamity Reassessment.* Check this box to indicate you are appealing the assessor's reassessment of your property after a misfortune or calamity.

Be sure to mark the correct reason for your appeal. Marking the wrong reason could result in the dismissal of your appeal.

BOE 305-AH (S1) REV. 3 (3-00)

APPLICATION NUMBER: _____

APPLICATION FOR CHANGED ASSESSMENT

This form contains all the requests for information that are required for filing an application for changed assessment. Failure to complete this application may result in rejection of the application and/or denial of the appeal. Applicants should be prepared to submit additional information if requested by the assessor or at the time of the hearing. Failure to provide information the appeals board considers necessary may result in the continuance of the hearing.

PLEASE TYPE OR PRINT IN INK –SEE INSTRUCTIONS FOR FURTHER INFORMATION

1. APPLICANT'S NAME (last, first, middle initial)

STREET ADDRESS/P.O. BOX NUMBER (MUST be applicant's mailing address)

CITY STATE ZIP CODE

DAYTIME PHONE () ALTERNATE PHONE () FAX NUMBER ()

E-MAIL ADDRESS

2. AGENT OR ATTORNEY FOR APPLICANT

PERSON TO CONTACT (if other than above) (last, first, middle initial)

STREET ADDRESS/P.O. BOX NUMBER

CITY STATE ZIP CODE

DAYTIME PHONE () ALTERNATE PHONE () FAX NUMBER ()

E-MAIL ADDRESS

AGENT'S AUTHORIZATION

If the applicant is a corporation, the agent's authorization must be signed by an officer or authorized employee of the business entity. If the agent is not an attorney licensed in California or a spouse, child, or parent of the person affected, the following must be completed (or attached to this application—see instructions).

PRINT NAME OF AGENT AND AGENCY

is hereby authorized to act as my agent in this application and may inspect assessor's records, enter into stipulations, and otherwise settle issues relating to this application.

SIGNATURE OF APPLICANT/OFFICER/AUTHORIZED EMPLOYEE

TITLE DATE

6. THE FACTS THAT I RELY UPON TO SUPPORT REQUESTED CHANGES IN VALUE ARE AS FOLLOWS: You may check all that apply. If you are uncertain of which item to check, please check "I. Other" and attach two copies of a brief explanation of your reason(s) for filing this application. PLEASE SEE INSTRUCTIONS BEFORE COMPLETING THIS SECTION.

☐ A. **Decline in Value:** The assessor's roll value exceeds the market value as of January 1 of the current year.

☐ B. **Change in Ownership:**

- ☐ 1. No change in ownership or other reassessable event occurred on the date of _____.
- ☐ 2. Base year value for the change in ownership established on the date of _____ is incorrect.

☐ C. **New Construction:**

- ☐ 1. No new construction or other reassessable event occurred on the date of _____.
- ☐ 2. Base year value for the new construction established on the date of _____ is incorrect.

☐ D. **Calamity Reassessment:** Assessor's reduced value is incorrect for property damaged by misfortune or calamity.

☐ E. **Personal Property/Fixtures:** Assessor's value of personal property and/or fixtures exceeds market value.

☐ F. **Penalty Assessment:** Penalty assessment is not justified.

☐ G. **Classification:** Assessor's classification and/or allocation of value of property is incorrect.

☐ H. **Audit Under R&T Code Section 469:** MUST include description of each property, issues being appealed, and your opinion of value. Please refer to instructions.

- ☐ 1. Amount of escape assessment is incorrect.
- ☐ 2. Assessment of other property of the assessee at the location is incorrect.

☐ I. **Other:** Explain below or attach explanation.

7. WRITTEN FINDINGS OF FACTS (\$ _____ Per _____) ☐ Are requested ☐ Are not requested

CERTIFICATION

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing and all information hereon, including any accompanying statements or documents, is true, correct, and complete to the best of my knowledge and belief and that I am (1) the owner of the property or the person affected (i.e., a person having a direct economic interest in the payment of the taxes on that property — "The Applicant"), (2) an agent authorized by the applicant under Item 2 of this application, or (3) an attorney licensed to practice law in the State of California, State Bar No. _____, who has been retained by the applicant and has been authorized by that person to file this application.

SIGNATURE

NAME AND TITLE (please type or print)

SIGNED AT

DATE

☐ Owner ☐ Agent ☐ Attorney ☐ Spouse ☐ Child ☐ Parent ☐ Person Affected

7. Written Findings of Facts

You may request a written summary of the facts and evidence used by the appeals board in reaching its decision on your appeal. You can request “findings of facts” at any time prior to the beginning of your hearing. Your request must be in writing and include payment for this service. You should request a copy of the “findings of facts” if you will appeal an adverse decision of the board in superior court (for more information on appeal rights, see page 15).

❖ Signature

The *Application for Changed Assessment* must have the signature of the property owner or the owner’s spouse, parent, or child, or any person directly responsible for payment of the property taxes. If the applicant has signed the agent’s authorization portion of the application or attached an agent’s authorization to the form, the agent can sign the application on behalf of the applicant. With prior approval of the applicant, a California-licensed attorney can sign the application. The person signing the application is certifying, under penalty of perjury, that the statements made on the application are true and correct.

Note: Correcting or amending an application

If you need to file an amended application, you must file it no later than 5:00 p.m. on the final filing date for the type of assessment being appealed. After that time, an application may be corrected only at the request of your local board clerk or amended at the discretion of the board itself. Contact the board clerk for more information.

5. Preparing for Your Hearing

When your application is accepted, the law requires that you be notified at least 45 days in advance of your hearing. To prepare for the hearing, you will need to gather and assemble admissible evidence that you will bring to the hearing to support your position. Without giving the board the evidence it needs to grant you a reduction, your appeal will be denied.

Keep in mind that the purpose of the hearing is to resolve the dispute between you and the assessor. While the hearings do not use the formal rules of evidence followed by courts, any evidence you present must be appropriate and meaningful in order to be admissible.

Many county appeals boards have local rules and hearing guidelines that will assist you in preparing for your hearing, tell you how to obtain continuances of scheduled hearing dates, arrange for exchanges of information with the assessor’s office, and help you properly introduce relevant evidence at any hearing. You should obtain a copy of these rules from the clerk of the board to help you in the proper presentation of your appeal.

Admissible Evidence

The only evidence that an appeals board can consider is the evidence that you and the assessor present at your assessment appeal hearing. The board may not

consider any information attached to your application or any discussions with the assessor's office or others, unless you also present such evidence at your appeal hearing.

Your evidence may take several forms, including:

- Oral testimony by you, your agent, your attorney, or an expert witness such as a real estate appraiser
- Other witnesses
- Written materials

If you plan to submit an appraisal, a Realtor's opinion of value, or an engineering study, the person who prepared that material must be present to respond to questions that may be posed by the appeals board or the assessor. The assessor, or a representative knowledgeable about the assessor's appraisal of your property, will also be present to respond to your questions or those of the board.

Depositions are not admissible and may not be considered for any purpose by the appeals board.

In most residential appeals, the most reliable type of evidence to support your opinion of "fair market value" is the sale of properties similar to yours.

Evidence to Support Your Opinion of Your Property's Value

There are three basic methods used by appraisers to find the value of property: comparable sales of similar property approach; replacement cost less depreciation approach; and income approach. In most residential appeals, the most reliable type of evidence to support your opinion of "fair market value" is the sale of properties similar to yours. These are called "comparable properties."

Before you begin to gather evidence about comparable properties, you should gather information about your own property. Determine the age, building size(s), lot size, and so forth for your property first, and then compare that information with the assessor's information for your property. You can obtain information about your property by contacting the assessor's office.

The following information explains how to judge whether a sold property is comparable to your property.

Comparative Sales Approach to Value

"Comparable sales" are sales of other properties that are similar to yours. Three different standards are used to judge the comparability of the properties you submit as evidence.

- Are the sales arm's-length open market transactions?

"Arm's-length open market transaction" refers to conditions surrounding the sale. Was the property exposed for sale on the open market? Was the property available for sale to anyone? Did the seller have to sell quickly? Was the property listed for sale with a Realtor? Did the buyer and seller know each other?

For example, a house sold between relatives may sell for less than if it were sold to someone the seller does not know. In that situation, a sale may not be an "arm's-length open market transaction."

- Are the properties physically similar to your property?
Elements used to measure the physical similarity include, but are not limited to, the following:
 - Distance from your property
 - Zoning
 - The number of bedrooms and bathrooms
 - Year built
 - Size of improvement, such as a house — in square feet
 - Lot size and other attributes — such as a view
 - Miscellaneous improvements — pools, patios, and so forth
 - Quality of construction
 - Property condition — excellent, good, fair, or poor
- Are the comparable sales relevant for the valuation date of the property you are appealing?

By law, an appeals board may only consider comparable sales that have occurred no later than 90 days after the valuation date of your property that you are appealing (the valuation date is explained below). Comparable sales that occur well before or up to 90 days after the valuation date are acceptable, but sales closer to the valuation date will most likely be viewed by an appeals board as more reliable.

Comparable sales dated more than 90 days after the valuation date cannot be admitted into evidence.

What Valuation Date to Use

The valuation date — the date used as the basis for determining the value of your property — depends on the reason for your appeal.

- *Change in ownership and new construction appeals.* Use the date of the change in ownership or the date of completion of the new construction stated on the reassessment notice. For example, when appealing new construction completed on December 20, you will use December 20 as your valuation date. Any comparable sales you present as evidence must have occurred on or before December 20, or no more than 90 days after December 20.
- *Decline in value appeals.* Use January 1 of the year in which you are applying. For example, if you file during the July 2-September 15 filing period in 2000, use January 1, 2000, as the valuation date. Any comparable sales you present as evidence can have occurred before January 1, 2000, but no more than 90 days after January 1, 2000.
- *Misfortune or calamity reassessment appeals.* Use the date of your property's misfortune or calamity.

Please note: Attempting to submit sales that occurred more than 90 days after the valuation date is the most common error among all assessment appeals. The Revenue and Taxation Code specifically prohibits consideration of such evidence.

Where to Find Comparable Sales Data

You can find comparable sales data at most local assessors' offices. Many assessors' offices maintain a listing of comparable sales; it is available for inspection at little or no cost to you (not to exceed \$10).

Property Tax Comparison Work Sheet

	Your Property (Subject Property)	Sale #1	Sale #2	Sale #3
Property Address				
City				
Distance from Subject Property				
Zoning				
Property Use				
Lot Size				
Lot Attributes (view, excess traffic, terrain, etc.)				
Living Area				
Garage Area				
Year Built				
Bedrooms/Bathrooms				
Central Heat	Y N	Y N	Y N	Y N
Air Conditioning	Y N	Y N	Y N	Y N
Other Improvements (pool, patio, porch, etc.)				
Sale Date	/ /	/ /	/ /	/ /
Property Values	Assessed Value	Sale Price	Sale Price	Sale Price
\$ per Square Foot of Living Area	Assessed Value \$	Sale Price \$	Sale Price \$	Sale Price \$

Additional sources of data include local real estate agents and brokers, real estate appraisers, and mortgage brokers. If you use one of these other sources of data, you should ensure that they find comparable sales appropriate for the valuation date of the property you are appealing.

Be sure to obtain the full address and/or the assessor's parcel number for each comparable sale you plan to present as evidence.

You should drive by the comparable properties to determine the similarities and differences between each comparable sale and your own property. Photographs may help to illustrate your case for the appeals board.

How to Evaluate Comparable Sales

To evaluate sales, applicants frequently compare the “price per square foot of living area” for each of the compared properties. “Living areas” do not include garages, porches, or patios.

To determine the “price per square foot of living area” for a property, divide the sale price by the square foot size of the living area. For example:

Sale Price	\$144,000
Living Area	1,200 sq. ft.
$\$144,000 \div 1,200$	$= \$120 \text{ per sq. ft. of living area}$

A work sheet, like the one on the previous page, can help you present your comparable sales information. You must be prepared to discuss similarities and differences between your comparable sales and your property. The appeals board will be interested in things such as similarity of design, zoning, use, location, square footage of the improvements, square footage of the land, financing, or other factors that may affect the value.

Exchange of Information

In an exchange of information, both you and the assessor trade the information that will be presented at the hearing. Either you or the assessor may request an exchange of information.

If you initiate an exchange of information, you should submit your request to the clerk of the board or the assessor prior to 20 days before the start of your hearing. In your request, you should include your opinion of value and the data that supports your opinion of value. The assessor’s staff must respond to your request at least 10 days prior to the hearing with their opinion of value and the supporting data. This allows you to review the assessor’s information, which can help you contest the evidence that the assessor will present.

If the assessor initiates an exchange of information, you must respond to the assessor’s request at least 10 days prior to the hearing with your opinion of value and your supporting data.

Note: The assessor may request an exchange of information if the assessed value of your property is at least \$100,000. You may request an exchange of information regardless of the value of your property.

At an appeal hearing following an exchange of information, the only admissible evidence that can be considered is the information that was exchanged and any new material related to that information. If either party introduces such new information at the hearing, the other party, upon request, shall be granted a continuance of the hearing for a reasonable period of time in order to prepare a response.

Note: Some counties have adopted local rules of notice and procedures related to exchanges of information. Contact the clerk of your local board for information.

6. Your Assessment Appeal Hearing

Notice of Hearing

After receiving your properly completed application, the board clerk will schedule a hearing. You or your agent will be notified of your hearing date at least 45 days in advance.

The appeals board is expected to hear and decide all appeals within two years of the filing of an application. If more than two years pass before your appeal is heard and decided, your opinion of value may temporarily become the taxable value of your property by default (until the appeals board hears and decides your appeal). There are several exceptions to this general rule. Contact your local appeals board for details.

As the applicant, you must personally attend the hearing or be represented by someone thoroughly familiar with the facts of your appeal.

Attending the Hearing

Appeals hearings are not as formal as a court of law. You are not required to have an attorney or an agent represent you. However, you, as the applicant, must personally attend the hearing or be represented by someone thoroughly familiar with the facts of your appeal. If a representative attends on your behalf, you may be required to provide written authorization prior to the hearing. Check with the clerk of the appeals board. Your attorney is not required to have written authorization.

A wife may appear for her husband, or vice versa, and sons or daughters may appear for parents, or vice versa.

Failure of you or your agent to appear may result in the denial of your application. An appeals board has the ability to reconsider the denial of your application if you show good cause for your failure to appear, and file a written request for reconsideration by a board-established deadline. Contact the clerk of your local board.

If you plan to appeal an adverse decision from the appeals board (see page 15, "Further Appeal Rights"), you may want to have legal counsel present at the hearing. The record made before the local board may be very important in superior court.

Hearings are open to the general public. You may find it helpful to observe other appeals hearings before presenting your own case.

Hearing Officers

Some county boards of supervisors have appointed hearing officers to hear the appeals of certain less complex properties. Hearings held before a hearing officer, in many counties, are less formal than an appeals board hearing.

Depending on your county, a hearing officer's decision may or may not be final. If the decision is not final, you, the assessor, or the appeals board may reject the hearing officer's recommendation, and a full appeals board hearing will be scheduled. Contact the clerk of your local board for more information.

Burden of Proof

The assessor bears the burden of proof in the following situations:

- Appeals of owner-occupied single-family dwellings
- Appeals of your property's assessed value when the assessor enrolled a value different from your purchase price (if you filed a change in ownership statement timely), and
- Escape assessments (if you filed a change in ownership statement or a building permit)

In all other situations, the applicant has the burden of proving that the property has not been correctly assessed.

Reaching a Decision

The appeals board (or hearing officer) will base its decision on the evidence presented by you and the assessor at the hearing. The board will evaluate the suitability of any approach to value and the data you and the assessor used to reach your conclusions.

Notice of Decision

An appeals board (or hearing officer) may announce its decision at your hearing, or take the matter under submission for a decision later; the board may deliberate in private. If a decision is not announced at your hearing, the clerk of the board will mail a written decision to you or your agent.

Tape recordings or transcripts of your hearing may be available; contact the clerk of the board for details. You should request a transcript or recording if you decide to appeal the board's decision. Any request should be made within 60 days of the board's decision.

Filing a Claim for Refund

You may be entitled to a property tax refund if the value of your property is reduced and you had paid tax based on the assessor's original value. In many counties, the tax collector or auditor will automatically process a refund. However, in some counties, you will need to file a "claim for refund of taxes" form. Check with the clerk of your local board at the time you file your appeal application to see if you will need to submit a claim form.

Protecting your refund rights. Generally, if more than four years have passed since the payment of a property tax, a county cannot refund that payment. As a result, if a board's decision on an application occurs after four years since the date of an appealed payment, the county cannot refund that payment.

To protect your refund rights, you can

- File a separate claim for refund prior to the expiration of the four-year period, or
- State on your application that the application is intended to be a claim for refund of taxes already paid. (Note: This option may not be in your best interest, as it will affect the time period in which you can file an action in superior court. See "Note" in next section.)

The assessment appeals board (or hearing officer) will base its decision on the evidence presented by you and the assessor at the hearing.

Further Appeal Rights

A decision by an appeals board is final — that is, an appeals board may not rehear or reconsider any application.

If you wish to appeal the appeal board's decision, you must file a claim for refund with the board of supervisors (see note below for exception). If the board of supervisors denies your claim, you may then file an action in superior court. You must file within six months of the date your claim for refund was denied by the board of supervisors.

Note: Do not file a claim for refund with the board of supervisors if you made your appeal application a claim for refund (as described on page 14). Your next step is to file an action with the superior court. You must file within six months from the date the appeals board issued its final determination of value.

If you file an action in superior court, you will need the "Written Findings of Facts" described on page 8 and a copy of the hearing transcript as evidence for the court to consider.

7. Glossary of Terms Used in This Publication

Base Year Value

Since approval of Proposition 13 in 1978, real property is reassessed upon a change in ownership or when certain new construction occurs. The new assessed value created by either event is called a "base year value."

After establishing a new base year value, and until the next reassessable event, the assessor can only increase that value by the rate of inflation indicated by the California Consumer Price Index (CCPI), not to exceed a maximum of 2 percent per year.

Change in Ownership

A change in ownership means a transfer of a present interest in real property, including the beneficial use thereof, the value of which is substantially equal to the value of the fee interest. There are several exclusions from "change in ownership," such as the transfer between a husband and wife.

A change in ownership includes the transfer of a partial or percentage interest in real property.

Escape Assessment

An assessment made for an event, such as a change in ownership or new construction, that occurred in a prior year but was not discovered timely by the assessor.

Lien Date

The "lien date" is the date that the property taxes become a lien on property. The lien date for the regular assessment roll is January 1.

This date is especially important for "decline in value" appeals, where the lien date is the valuation date for appeal purposes.

New Construction

New construction means:

- Any addition to real property, whether land or improvements, since the last lien date
- Any alteration of land or improvements since the last lien date which constitutes a major rehabilitation or which converts the property to a different use

There are several exclusions from this definition.

Supplemental Assessment

An assessment of the fair market value of property as of the date a change in ownership occurs or new construction is completed. It establishes a new base year value for the property or the new construction.

8. For More Information

Although the State Board of Equalization oversees the administration of California's property tax laws, including local county assessment standards, you should contact your county assessor's office or appeals board if you have questions regarding assessments or the appeals process.

To obtain copies of the state rules that apply to appeals and equalization, please call our Information Center at 1-800-400-7115 and ask for Property Tax Rules 301 through 326. The rules are also available at state or county libraries (see the *California Code of Regulations*, Title 18, Public Revenue) and on the Board's website, www.boe.ca.gov (click on "Forms and Publications" to locate the *Property Taxes Law Guide*).

You may obtain the rules and procedures of the appeals board by contacting the clerk of the board.

If you would like general information about California property taxes, you should order a copy of publication 29, *California Property Tax: An Overview*. To request a copy, call our Information Center. Or you can download a copy from our Internet site: www.boe.ca.gov.

